

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEANDRE WILLIAMS,

Plaintiff,

-against-

9:11-CV-0601 (LEK/TWD)

N. SMITH, *et al.*,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on January 26, 2015, by the Honorable Thérèse Wiley Dancks, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 114 (“Report-Recommendation”). Plaintiff Deandre Williams (“Plaintiff”) timely filed Objections.¹ Dkt. No. 118 (“Objections”). Additionally before the Court is Plaintiff’s Motion for a preliminary injunction. Dkt. No. 113 (“Motion”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Chylinski v. Bank of Am., N.A.*, 434 F. App’x 47, 48 (2d Cir. 2011); *Barnes v. Prack*, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d

¹ Although Plaintiff’s Objections were not received until March 6, 2015, they are dated February 18, 2015. See *Objs.* Under the prison mailbox rule, the Court considers Plaintiff’s Objections timely filed. See *Tracy v. Freshwater*, No. 01-CV-0500, 2008 WL 850594, at *1 (N.D.N.Y. Mar. 28, 2008).

301, 306-07 & n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”).

In his Objections, Plaintiff generally asserts that this action is not frivolous and that he suffers from a number of medical issues. See generally *Objs.* Because Plaintiff’s Objections consist of general or irrelevant statements, the Court reviews the Report-Recommendation for clear error and finds none. Furthermore, because the Court grants Defendants summary judgment on all remaining claims against them, Plaintiff’s Motion for a preliminary injunction is therefore moot.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 114) is **APPROVED and ADOPTED in its entirety**; and it is further

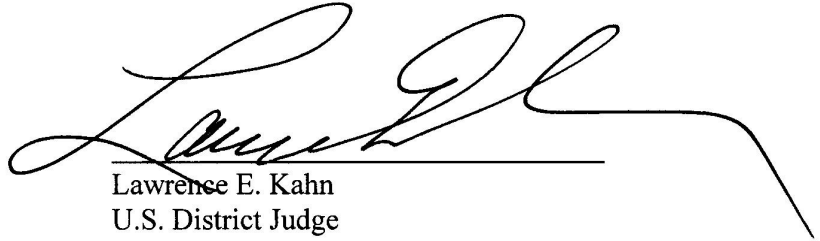
ORDERED, that Defendants’ Motion (Dkt. No. 107) for summary judgment is **GRANTED**; and it is further;

ORDERED, that Plaintiff’s Motion (Dkt. No. 113) for a preliminary injunction is **DENIED as moot**; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: March 13, 2015
Albany, New York



Lawrence E. Kahn
U.S. District Judge